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PART II—Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह खलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th June, 1968/Jyaistha 27, 1890 (Saka)

THE REQUISITIONING AND ACQUISITION OF
IMMOVABLE PROPERTY (AMENDMENT)
ORDINANCE, 1968

No. 4 OF 1968.

Promulgated by the President in the Nineteenth Year of the
Republic of India.

An Ordinance further to amend the Requisitioning and
Acquisition of Immovable Property Act, 1952.

WHEREAS a Bill further to amend the Requisitioning and
Acquisition of Immovable Property Act, 1952, has been introduced in
Parliament but has not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title and commencement. 1. (1) This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1968.

(2) It shall come into force at once.

Act 30 of 1952 to be temporarily amended. 2. During the period of operation of this Ordinance, the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

Amendment of section 8. 3. In section 8 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The compensation payable for the acquisition of any property under section 7 shall be the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition.”.

Insertion of new section 25. 4. After section 24 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 10th day of January, 1968, namely:—

Special provision as to certain requisitions under Act 51 of 1962. “25. (1) Notwithstanding anything contained in this Act, any immovable property requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, under the Defence of India Act, 1962, and the rules made thereunder (including any immovable property deemed to have been requisitioned under the said Act) which has not been released from such requisition before the 10th January, 1968, shall, as from that date, be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the said date and all the provisions of this Act shall apply accordingly:

Provided that—

(a) all determinations, agreements and awards for the payment of compensation in respect of any such property for

any period of requisition before the said date and in force immediately before the said date, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition as from the said date;

(b) anything done or any action taken (including any orders, notifications or rules made or issued) by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, in exercise of the powers conferred by or under Chapter VI of the Defence of India Act, 1962, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this section was in force on the date on which such thing was done or action was taken.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1962, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall as from the 10th January, 1968, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act."

10 of 1897.

ZAKIR HUSAIN,

President.

THE PUBLIC PREMISES (EVICTION OF
UNAUTHORISED OCCUPANTS) AMENDMENT
ORDINANCE, 1968

No. 5 OF 1968

Promulgated by the President in the Nineteenth Year of the
Republic of India.

An Ordinance further to amend the Public Premises (Eviction
of Unauthorised Occupants) Act, 1958.

WHEREAS a Bill further to amend the Public Premises (Eviction of
Unauthorised Occupants) Act, 1958 has been introduced in Parliament
but has not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

Short title
and com-
mencement.

1. (1) This Ordinance may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Ordinance, 1968.

(2) It shall come into force at once.

Act 32 of
1958 to be
temporarily
amended.

2. During the period of operation of this Ordinance, the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3, 4 and 5.

Amendment
of section 2.

3. In section 2 of the principal Act, for clause (b), the following clause shall be substituted, namely:—

“(b) “public premises” means any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the Central Government; and includes—

(1) any premises belonging to or taken on lease by, or on behalf of, any company as defined in section 3 of the Companies Act, 1956 in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government; and

(2) in relation to the Union territory of Delhi—

(i) any premises belonging to the Municipal Corporation of Delhi or any municipal committee or notified area committee; and

(ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by, the said Authority;”.

Amendment
of section 3.

4. In section 3 of the principal Act, in clause (a), for the words “or officers of equivalent rank of the Corporation”, the words “or officers of equivalent rank of any company or the Corporation” shall be substituted.

Insertion of
new section
10E.

5. After section 10D of the principal Act, the following section shall be inserted, namely:—

Bar of
jurisdiction.

“10E. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is

in unauthorised occupation of any public premises or the recovery of the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or costs awarded to the Central Government under sub-section (4A) of section 9 or any portion of such rent, damages or costs.”.

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

